



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD)No.19799 of 2015

and

M.P. (MD)No.1 of 2015

Chandrasekara Raja ... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Taluk Office,
Rajapalayam Taluk,
Virudhunagar District.

3.The Block Development Officer
(Village Panchayats),
Panchayat Union Office,
Rajapalayam,
Virudhunagar District.

4.The President,
Nakkaneri Panchayat,
Rajapalayam Taluk,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus to forbear the respondents from laying bitumen road in the petitioner's Patta Land situated in Virudhunagar District, Rajapalayam Taluk, Ayyankollankondan Village in Survey Nos.254/3, 255, 256/2, 256/3 and 257/1B in the proposed new road to be laid between Nakkaneri and Rajapalayam Via., Pottalkalam within the stipulated time.

For Petitioner :Mr.Karthick Subramanian

For Respondents:Mr.M.Rajarajan
Government Advocate

ORDER

Mr.M.Rajarajan, learned Government Advocate, takes notice for all the respondents.

2.By consent, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitions seeks for a Mandamus forbearing the respondents from laying road in his patta land at Survey Nos..254/3, 255, 256/2, 256/3 and 257/1B in Ayyankollankondan Village, Rajapalayam Taluk, Virudhunagar District. The grievance of the writ petitioner is that the respondents

are attempting to lay road in his patta land without following any due procedural of law.

4. The learned Government Advocate appearing for the respondents, on instructions, submitted that there is no such proposal on the side of the respondents to lay any road on the petitioner's patta land and if at all the petitioner is having any grievance against the attempt made by the villagers, it is for him to work out his remedy before the civil Court.

5. The learned Counsel appearing for the petitioner submits that the submissions made by the learned Government Advocate can be recorded and the writ petition may be closed with liberty to the petitioner to proceed against the villagers by filing a civil suit if necessary.

6. Accordingly the submissions made by the learned Government Advocate is recorded and the Writ Petition is disposed of with liberty to the petitioner to file a civil suit if such road is being laid by the local villagers without due process of law.

7. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

sd/-

Assistant Registrar (CS II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Taluk Office,
Rajapalayam Taluk,
Virudhunagar District.

3. The Block Development Officer
(Village Panchayats),
Panchayat Union Office,
Rajapalayam, Virudhunagar District.

4. The President,
Nakkaneri Panchayat,
Rajapalayam Taluk,
Virudhunagar District.

+1cc to Mr. Karthick Subramanian, Advocate Sr.No.64393

+1cc to special Government Pleader SR.No.64525

sm:SK-SKN:16.11.2015:2P/7C

W.P. (MD) No.19799 of 2015
and

M.P. (MD) No.1 of 2015
02.11.2015